

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Alan D. Ford et al.	Art Unit	: 2125
Serial No.	: 09/877,404	Examiner	: Ryan A. Jarrett
Filed	: June 8, 2001	Conf. No.	: 8082
Title	: AN INFUSION PUMP WITH AN ELECTRONICALLY LOADABLE DRUG LIBRARY AND A USER INTERFACE FOR LOADING THE LIBRARY		

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request consideration of the references listed on the attached PTO-1449 form. Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed. Copies of any listed U.S. patents or U.S. patent application publications can be provided upon request.

This Statement provides information relating to applicants' European Patent that corresponds to the present application. European Patent No. 0 649 316 issued on December 20, 2000, and was opposed by two parties (Terumo Corporation and Fresenius Medical Care Deutschland). The patent was initially revoked by the Opposition Division at a hearing on January 27, 2004 based on an asserted lack of novelty. Applicants appealed, and the Technical Board of Appeal set aside the Opposition Division's decision to revoke the patent as to novelty at a hearing on May 9, 2007. The Board of Appeal sent the case back to the Opposition Division to consider the question of inventive step.

A hearing before the Opposition Division was held on February 20, 2008, in which the patent, as amended during the appeal, was upheld.

The attached form PTO-1449 lists new references cited in the opposition proceedings, as well as copies of relevant briefs and other correspondence filed by applicants and Opponent Terumo. A brief chronology of events after July 30, 2007 (with the corresponding designation IDs from form PTO-1449) and a list of references D11 and another JP published application

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: April 23, 2008

cited during the Opposition are included below. Events on and prior to July 30, 2007 are reported in applicant's IDS filed on August 6, 2007.

Updated Chronology of European Opposition No. 93924322.6

Letter of Opponent Terumo Introducing New Prior Art, JP-A-63-238870 (January 11, 2008) (AG)

The letter discusses validity in view of various references including a JP published application, which Terumo referred to as D11.

Letter of Applicant re Translation Discrepancies in Terumo Submission (February 11, 2008) (AH)

Applicant noted certain errors in Terumo's translation of D11.

Letter of Opponent Terumo re: Translation (February 13, 2008) (AI)

Terumo admitted to the translation errors.

Minutes of Oral Proceedings (February 20, 2008) (AJ)

The Opposition Division found D11 was not more relevant than other cited documents and thus did not enter this reference in the proceedings. Claim 1 was upheld over documents D2, D3, D6, and D9.

Interlocutory Decision of Opposition Division (March 5, 2008) (AK)

The patent, as amended on appeals, was upheld.

D11*

JP-A-63-238870 (AD)

JP-B-62-71744 (subsequently published updated version of D11) (AE)

* Opponent's Designation - should have been D13

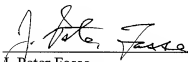
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Attorney's Docket No.: 00786-157003 / MGH-0657.3
Sims Div.

This Statement and the accompanying form PTO-1449 are being submitted before a first office action on the merits in this application. No fees are believed due. However, please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 00786-157003.

Respectfully submitted,

Date: 4-23-2008


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